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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/659,693	09/11/2000	Sehat Sutardja	MP0062	5047
26200	7590	09/19/2005	EXAMINER FLANDERS, ANDREW C	
FISH & RICHARDSON P.C. P.O BOX 1022 MINNEAPOLIS, MN 55440-1022			ART UNIT 2644	PAPER NUMBER
DATE MAILED: 09/19/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	09/659,693		SUTARDJA, SEHAT	
	<b>Examiner</b>		<b>Art Unit</b>	
	Andrew C. Flanders		2644	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-23,25,26,28-48,95-112 and 169-172 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23,25,26,28-48,95-112 and 169-172 is/are rejected.
- 7) ☒ Claim(s) 11,47 and 95 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 September 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Drawings***

New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the text legends are small and difficult to read. The replacement sheet for Fig. 1 also requires a printed legend showing that it is prior art. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

### ***Response to Arguments***

In view of the Appeal Brief filed on 5 July 2005, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

### ***Claim Objections***

**Claim 11** is objected to because of the following informalities: It appears to the examiner as though the word "used" should read "uses". Appropriate correction is required.

Applicant is advised that should **claim 47** be found allowable, **claim 95** will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both over the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP §

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

**Claim 172** is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 172 is directed to a computer program that is not embodied within a computer readable medium.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1 – 4, 6, 9, 11 – 13, 15, 18, 22, 23, 28 – 31, 33, 36, 38, 97, 98, 100, 101, 104 – 107, 109, 110 and 169 – 172** are rejected under 35 U.S.C. 102(e) as being anticipated by Birrell (U.S. Patent 6,332,175).

Regarding **Claims 1, 22 and 28**, Birrell discloses:

A media player/recorder (title) comprising:

a storage device to store compressed media data (i.e. a disk drive; Fig. 1 element 104);

a programmable processor which is programmed to retrieve the media data stored in said storage device (i.e. the system contains multiple control programs executed by the data processor, on being a play procedure; Fig. 1 element 102 and col. 5 lines 5 – 33; the play control logic, which is part of the play procedure as shown in Fig. 2, transfers data from the disk to RAM; col. 6 lines 14 – 16);

a memory to store the media data retrieved by said processor (i.e. a RAM; Fig. 1 element 108);

wherein said processor is also programmed to decompress the media data stored in said memory (i.e. the processor includes a decompression procedure for decompressing compressed audio files; col. 5 lines 20 – 25); and

an output circuit to output the decompressed media data from said processor (i.e. an audio output jack; Fig. 1 element 130).

Regarding **Claims 2, 12, 29 and 39**, in addition to the elements stated above regarding claims 1, 11, 28 and 38, Birrell further discloses:

wherein said memory comprises a dynamic access memory (i.e. a RAM; Fig. 1 element 108).

Regarding **Claims 3, 13, 23, 30 and 40**, in addition to the elements stated above regarding claims 1, 11, 22, 28 and 38, Birrell further discloses:

an interface responsive to said processor to communicate with an external device (i.e. a computer jack; Fig. 1 element 132).

Regarding **Claims 4 and 31**, in addition to the elements stated above regarding claims 1 and 28, Birrell further discloses:

wherein said processor comprises a digital signal processor to control said storage device and to decompress the media data stored in said memory (i.e. the play control logic, which is part of the play procedure as shown in Fig. 2 and controlled by the processor, transfers data from the disk to RAM; col. 6 lines 14 – 16; and the processor includes a decompression procedure for decompressing compressed audio files; col. 5 lines 20 – 25).

Regarding **Claims 6, 15, 33 and 42**, in addition to the elements stated above regarding claims 4, 11, 31 and 38, Birrell further discloses:

wherein said digital signal processor comprises a decoder to decompress the media data stored in said memory (i.e. the processor includes a decompression procedure for decompressing compressed audio files; col. 5 lines 20 – 25).

Regarding **Claims 9, 18, 36 and 40**, in addition to the elements stated above regarding claims 3, 13 and 30, Birrell further discloses:

wherein the media data is transferred from the external device through said interface for storage on said device (i.e. a jack for downloading compressed audio data onto the hard disk; col. 4 lines 25 – 28).

Regarding **Claims 11 and 38**, Birrell discloses:

A media player/recorder (title) comprising:

a storage device to store compressed media data (i.e. a disk controller; Fig. 1 element 104);

a programmable processor which is programmed to retrieve the media data stored in said storage device (i.e. the system contains multiple control programs executed by the data processor, on being a play procedure; Fig. 1 element 102 and col. 5 lines 5 – 33; the play control logic, which is part of the play procedure as shown in Fig. 2, transfers data from the disk to RAM; col. 6 lines 14 – 16);

wherein said processor is also programmed to decompress the media data stored in said memory (i.e. the processor includes a decompression procedure for decompressing compressed audio files; col. 5 lines 20 – 25); and

an output circuit to output the decompressed media data from said processor (i.e. an audio output jack; Fig. 1 element 130),

wherein said processor comprises a digital signal processor (i.e. the processor operates on digital audio and therefor processes a digital signal), and uses the same circuit to control said storage device and to decompress the media data stored in memory (i.e. the play control logic, which is part of the play procedure as shown in Fig. 2 and controlled by the processor, transfers data from the disk to RAM; col. 6 lines 14 – 16; and the processor includes a decompression procedure for decompressing compressed audio files; col. 5 lines 20 – 25).

Regarding **Claims 97, 100, 104, 106 and 109**, in addition to the elements stated above regarding claims 1, 11, 22 and 28, Birrell further disclose:

wherein said storage device comprises a hard disk (Fig. 1 element 104).

Regarding **Claims 98, 101, 105, 107, 110**, in addition to the elements stated above regarding claims 1, 11, 22 and 28, Birrell further discloses:

wherein said storage device is selected from the group consisting of optical disk, magnetic disk, CD-ROM, CDR, and CDRW (i.e. a hard disk (*magnetic*); Fig. 1 element 104).

Regarding **Claims 169 – 172**, Birrell discloses:

A media player/recorder (title and abstract): comprising:

a storage device to store media data (disk 104; Fig. 1), the media data comprising a plurality of selections (i.e. multiple songs on the disk);

a memory (RAM 108; Fig. 1)

a processor to transfer first portions of at least one of the plurality of selections of the media data from said storage device to said memory (i.e. the system contains multiple control programs executed by the data processor, on being a play procedure; Fig. 1 element 102 and col. 5 lines 5 – 33; the play control logic, which is part of the play procedure as shown in Fig. 2, transfers data from the disk to RAM; col. 6 lines 14 – 16; the play control logic maintains sufficient portions of data in the RAM to ensure that there is no break in the playback; col. 6 lines 5 – 28);

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an output device (audio output jack 130; Fig. 1);

wherein said output device outputs the first portions of the at least one of the plurality of sections of media data from the memory (i.e. as the audio data is played back, the portions present in RAM are read out to the audio out jack; col. 6 lines 5 – 28);

wherein when a user selects a particular one of said plurality of selections, said processor retrieves a remaining portion of the particular one of said plurality of selections and said output device outputs the portion and remaining portion the particular one of said plurality of selections (i.e. user selections are added to a play list, which is a queue of tracks to be played by the system; col. 5 lines 1 – 3 and as the audio data is played back, the portions present in RAM are read out to the audio out jack; col. 6 lines 5 – 28).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 7, 16, 34 and 43** are rejected under 35 U.S.C. 103(a) as being unpatentable over Birrell (U.S. Patent 6,332,175).

Regarding **Claims 7, 16, 34 and 43**, in addition to the elements stated above regarding claims 6, 15, 33 and 42, Birrell further discloses:

storing a process for decompressing compressed data for a selected compression format (i.e. a ROM that stores a decompression procedure for decompressing compressed audio data; col. 5 lines 22 – 44).

Birrell does not explicitly disclose storing the process on the storage device as claimed in claim 1. However, Examiner takes official notice that it would have been obvious to one of ordinary skill in the art at the time of the invention to store the procedures in the ROM instead of in the storage device. Both the ROM and the disk are non-volatile memory devices and therefore are suitable to store system procedure programs. It would be an obvious variation to store the programs instead on the disk. One would have been motivated to do so in order to manufacture the Birrell player with less parts and thus making it less costly as the ROM would not be required if the programs were stored instead on the disk.

**Claims 5, 14, 20, 32, 41, 47, 95, 99, 102, 103, 108, 111 and 112** are rejected under 35 U.S.C. 103(a) as being unpatentable over Birrell (U.S. Patent 6,332,175) in view of Gadre (U.S. Patent 6,308,253).

Regarding **Claims 5, 14, 32 and 41**, in addition to the elements stated above regarding claims 1, 11, 28 and 38, Birrell further discloses:

a digital signal processor to control said storage device and to decompress the media data stored in said memory (i.e. the play control logic, which is part of the play procedure as shown in Fig. 2 and controlled by the processor, transfers data from the disk to RAM; col. 6 lines 14 – 16; and the processor includes a decompression procedure for decompressing compressed audio files; col. 5 lines 20 – 25);

a storage controller responsive to said digital signal processor (i.e. a disk controller; Fig. 1 element 106); and

a read channel to read data from said storage device and response to said storage controller (i.e. the CPU and the disk controller are coupled to the same bus allowing the transfer of audio data; the bus coupling the elements together in Fig. 1).

Birrell does not disclose these elements within the processor as a single integrated circuit.

Gadre discloses a significant need as developed for integrating the functionality of multiple DSP chips onto the same integrated circuit. Two primary integration approaches are often used to implement multiple DSP functions on a given integrated circuit device, a hardware and a software approach; col. 1 lines 53 – 67 and col. 2 lines 1 – 34.

Applying this teaching to the Birrell reference would create a processor comprising a single integrated circuit comprising the elements stated above.

It would have been obvious to one of ordinary skill in the art at the time of the invention to implement these elements onto a single chip such as Birrell's processor in the manner as taught by Gadre. One would have been motivated to do so in order to

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achieve greater performance, lower design and manufacturing costs, reduced component size, and reduced power requirements; see Gadre, col. 1 lines 56 – 80.

Regarding **Claims 20, 47 and 95**, Birrell discloses

An integrated circuit (CPU) to control a media player/recorder having a storage device having stored thereon compressed media data (Hard Disk), a memory (RAM) and an output circuit (Audio output jack), said integrated circuit comprising:

a digital signal processor to control the storage device (i.e. the play control logic, which is part of the play procedure as shown in Fig. 2 and controlled by the processor, transfers data from the disk to RAM; col. 6 lines 14 – 16)

a read channel responsive to said storage controller to read the compressed media data from the storage device (i.e. the CPU and the disk controller are coupled to the same bus allowing the transfer of audio data; the bus coupling the elements together in Fig. 1),

wherein said digital signal processor transfers the compressed media data read by said read channel to the memory (i.e. the play control logic, which is part of the play procedure as shown in Fig. 2 and controlled by the processor, transfers data from the disk to RAM; col. 6 lines 14 – 16 and the CPU and the disk controller are coupled to the same bus allowing the transfer of audio data; the bus coupling the elements together in Fig. 1),

wherein said digital signal processor comprises a decoder to decompress the media data stored in said memory (i.e. the processor includes a decompression procedure for decompressing compressed audio files; col. 5 lines 20 – 25); and

converts the media data decompressed by said decoder to an analog signal (i.e. a D/A converter; Fig. 1 element 126); and

a storage controller responsive to said digital signal processor (Fig. 1 element 106).

Birrell does not explicitly disclose that the digital signal processor converts the media data decompressed by said decoder to an analog signal or that the digital signal processor contains a storage controller responsive to said digital signal processor

Gadre discloses a significant need as developed for integrating the functionality of multiple DSP chips onto the same integrated circuit. Two primary integration approaches are often used to implement multiple DSP functions on a given integrated circuit device, a hardware and a software approach; col. 1 lines 53 – 67 and col. 2 lines 1 – 34.

Applying this teaching to the D/A converter, storage controller and CPU of the Birrell reference would create digital signal processor that converts the media data decompressed by said decoder to an analog signal and a digital signal processor contains a storage controller responsive to said digital signal processor.

It would have been obvious to one of ordinary skill in the art at the time of the invention to implement these elements onto a single chip such as Birrell's processor in the manner as taught by Gadre. One would have been motivated to do so in order to

achieve greater performance, lower design and manufacturing costs, reduced component size, and reduced power requirements; see Gadre, col. 1 lines 56 – 80.

Regarding **Claims 99, 102, 103, 108, 111 and 112**, in addition to the elements stated above regarding claims 5, 14, 20, 32, 41 and 47, Birrell further discloses:

wherein said storage device comprises a hard disk (i.e. a hard disk; element 104 Fig. 1), and

wherein said storage controller comprises a hard disk controller (i.e. disk controller 106 Fig. 1).

**Claims 8, 17, 21, 25, 35, 44, 48 and 96** are rejected under 35 U.S.C. 103(a) as being unpatentable over Birrell (U.S. Patent 6,332,175) in view of Yanagihara (U.S. Patent 6,233,393).

Regarding **Claims 8, 17, 35 and 44**, in addition to the elements stated above regarding claims 7, 16, 34 and 43, Birrell further discloses:

wherein the processor for decompressing compressed data is retrieved from said storage device (i.e. the CPU uses a stored decompression procedure to decompress; col. 5 lines 20 – 25); and

wherein said decoder decompresses the media data in accordance with the retrieved process (i.e. the processor includes a decompression procedure for decompressing compressed audio files; col. 5 lines 20 – 25).

Birrell does not explicitly disclose wherein said digital signal processor determines a compression format of the media data stored in said memory and retrieving the process in accordance with the determined compression format.

Yanagihara discloses:

wherein said digital signal processor determines a compression format of the media data stored in said memory and retrieving the process in accordance with the determined compression format. (i.e. the general controller determines the compression such as one of MPEG audio, Dolby AC-3, and Linear PCM and sets a decoder in accordance with the data received).

It would have been obvious to one of ordinary skill in the art at the time of the invention to implement Yanagihara's general controller on the modified CPU of Birrell in order to determine a type of media compression. One would have been motivated to do so to enable the player to be able to play a number of various audio files in different compression formats. With the lack of a standard compression technique in digital audio encoding, multiple formats have been developed (i.e. mp3, AAC, ADPCM, windows media audio, real audio, etc...) and it would have been desirable to have a player such as Birrell's to be enabled to play the different media.

Regarding **Claims 21, 25, 48 and 96**, in addition to the elements stated above regarding claims 20, 22, 47 and 95, Birrell further discloses:

storing a process for decompressing compressed data for a selected compression format (i.e. a ROM that stores a decompression procedure for decompressing compressed audio data; col. 5 lines 22 – 44).

Birrell does not explicitly disclose storing the process on the storage device as claimed in claim 21. However, Examiner takes official notice that it would have been obvious to one of ordinary skill in the art at the time of the invention to store the procedures in the ROM instead of in the storage device. Both the ROM and the disk are non-volatile memory devices and therefore are suitable to store system procedure programs. It would be an obvious variation to store the programs instead on the disk. One would have been motivated to do so in order to manufacture the Birrell player with less parts and thus making it less costly as the ROM would not be required if the programs were stored instead on the disk.

Furthermore Birrell discloses:

wherein the processor for decompressing compressed data is retrieved from said storage device (i.e. the CPU uses a stored decompression procedure to decompress; col. 5 lines 20 – 25); and

wherein said decoder decompresses the media data in accordance with the retrieved process (i.e. the processor includes a decompression procedure for decompressing compressed audio files; col. 5 lines 20 – 25).

Birrell does not explicitly disclose wherein said digital signal processor determines a compression format of the media data stored in said memory and retrieving the process in accordance with the determined compression format.

Yanagihara discloses:

wherein said digital signal processor determines a compression format of the media data stored in said memory and retrieving the process in accordance with the determined compression format. (i.e. the general controller determines the compression such as one of MPEG audio, Dolby AC-3, and Linear PCM and sets a decoder in accordance with the data received).

It would have been obvious to one of ordinary skill in the art at the time of the invention to implement Yanagihara's general controller on the modified CPU of Birrell in order to determine a type of media compression. One would have been motivated to do so to enable the player to be able to play a number of various audio files in different compression formats. With the lack of a standard compression technique in digital audio encoding, multiple formats have been developed (i.e. mp3, AAC, ADPCM, windows media audio, real audio, etc...) and it would have been desirable to have a player such as Birrell's to be enabled to play the different media.

**Claims 10, 19, 26, 37 and 46** are rejected under 35 U.S.C. 103(a) as being unpatentable over Birrell (U.S. Patent 6,332,175) in view of Terui (U.S. Patent 5,903,871).

Regarding **Claims 10, 19, 26, 37 and 46**, in addition to the elements stated above regarding claims 4, 11, 22, 31 and 38, Birrell does not disclose an input circuit to receive media data, wherein said digital signal processor comprises an encoder to compress the received media data, and wherein the compress[ed] media data received by said input circuit is stored on said storage device.

Terui discloses:

an input circuit to receive media data, (i.e. a microphone for converting voice to an electric signal and an analog to digital converter for converting it to a digital signal; col. 3 lines 4 – 12);

wherein said digital signal processor comprises an encoder to compress the received media data (i.e. the digital signal is compressively transformed; col. 3 lines 25 – 29); and

wherein the compress[ed] media data received by said input circuit is stored on said storage device. (i.e. recording the voice data to the recording media; col. 4 lines 50 – 60).

It would have been obvious to one of ordinary skill in the art to add the features of Terui to the elements of the combination in order to integrate a portable voice recorder into Birrell's portable player. One would have been motivated to do so in order to enhance the operation of the player to provide a voice recording and reproducing apparatus which can easily store and manage a voice file (Terui col. 1 lines 48 - 50).

### ***Double Patenting***

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

**Claims 1 - 23, 25, 26, 28 - 48 and 95 - 112** are provisionally rejected under the judicially created doctrine of obviousness type double patenting as being unpatentable over claims 1 - 10 of copending Application No. 10/184,302. Although the conflicting claims are not identical, they are not patentably distinct from each other because any such portable device can be carried anywhere, for example, it can be transported in a briefcase, pocket, and vehicle to name a few. Any such portable media device as discussed above are well known to be connected and have operation in a vehicle, even if it is merely to connect for power.

**Claims 1 - 23, 25, 26, 28 - 48 and 95 - 112** are provisionally rejected under the judicially created doctrine of obviousness type double patenting as being unpatentable over claims 1 - 5, 20 - 23, 38 - 41, 56 - 59 and 74 - 85 of copending Application No.

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10/184,299. Although the conflicting claims are not identical, they are not patentably distinct from each other because any such portable device can be carried anywhere, for example, it can be transported in a briefcase, pocket, and vehicle to name a few. Any such portable media device as discussed above are well known to be connected and have operation in a vehicle, even if it is merely to connect for power.

**Claims 1 - 23, 25, 26, 28 - 48 and 95 - 112** are provisionally rejected under the judicially created doctrine of obviousness type double patenting as being unpatentable over claims 1 - 10, 26 - 34, 50 - 53, of copending Application No. 10/184,505. Although the conflicting claims are not identical, they are not patentably distinct from each other because the interface is inherently taught via input and output circuits are being applied wherein data is being directed to and from the system. Various types of interfaces are well known depending on port capabilities and necessities to the system environment. This is a provisional obviousness type double patenting rejection because the conflicting claims have not in fact been patented.

### ***Terminal Disclaimer***

The terminal disclaimer filed 24 June 2005 does not comply with 37 CFR 1.321(b) and/or (c) because:

An attorney or agent, not of record, is not authorized to sign a terminal disclaimer in the capacity as an attorney or agent acting in a representative capacity as provided by 37 CFR 1.34 (a). See 37 CFR 1.321(b) and/or (c).


***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew C. Flanders whose telephone number is (571) 272-7516. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on (571) 272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

acf

  
VIVIAN CHIN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600